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10/539,596

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Andreas Pohlmann

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EXAMINER

WILSON, BRIAN P

ART UNIT

PAPER NUMBER

2612

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/539,596

**Applicant(s)**

POHLMANN ET AL.

**Examiner**

Brian Wilson

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 7 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 06/17/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Status*

1. In the preliminary amendment filed on June 17, 2005, claims 1-6 have been cancelled and replaced by claims 7-16. Therefore, claims 7-16 are currently pending.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13, 14, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "*of the type*" in claim 13 is a relative term which renders the claim indefinite. The term "*of the type*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term "*of the type*" renders the method for operating a vehicle security system indefinite. All dependent claims from claim 13 are also indefinite.

Claim 14 recites the limitations "*said value*" in claim 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitations "*said determined interference signal*" in claim 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitations "*said value*" in claim 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitations "*said determined interference level*" in claim 16. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7, 13, 14, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakano (U.S. Patent 4,783,658).

Regarding claim 7, Nakano discloses a vehicle security system met by (Fig. 8), access control device/action-free authentication element met by (Fig. 7; 100), vehicle-mounted access control component met by (Fig. 7; 200), wireless access authorization communications channel met by (Figs. 9, 10; SD, SC), access control component generates a securing or releasing access control signal met by (Fig. 8; 204), vehicle lock element met by (Fig. 8; 220), one triggering element met by (Fig. 7; 210), predefined action range met by (Col. 1, lines 32-35; note, passive systems operate with proximity), authentication element location means met by (210, 100; note, passive system access authentication occurs when 210 triggers SD and 100 sends SC, which occurs when 100 is outside the door of the vehicle and not in the interior of the vehicle), vehicle-mounted access control component generates access control signals for vehicle lock element met by (Fig. 8; 204, 220), device for carrying out null measurements met by (Fig. 9; 116; Col. 5, lines 41-45; note RF signal is absent; Fig. 4), device determines interference level met by (Col. 5, line 43;  $V_A$ ,  $V_N$ ), transmits an adapted decision threshold value met by (Col. 5, line 55-57; note,  $V_{ref}$

modifies preset threshold level, and helps distinguish that 100 is receiving SD from 200 and thus is proximate to vehicle).

Regarding claim 13, Nakano discloses a method of operating a vehicle security system met by (Fig. 8), vehicle mounted access control component transmits pulses met by (Fig. 8; 208 & Fig. 7; 214), authentication element met by (Fig. 7; 100), generates a securing or releasing signal met by (Fig. 8; 204), vehicle locking component met by (Fig. 8; 220), only upon receipt authentication signal met by (Col. 6, lines 62-67 & Col. 7, lines 1-5; note, SC), authentication satisfies a preset criteria met by (Col. 5, lines 64-66; note, in authentication process 100 has to authenticate SD prior to sending response SC to 200 for final authentication), a null period measuring device met by (Fig. 9; 116; Col. 5, lines 41-45; note, RF signal is absent; Fig. 4), determining an interference level met by (Col. 5, line 43;  $V_A$ ,  $V_N$ ), modifying said preset criteria met by (Col. 5, line 55-57; note,  $V_{ref}$  modifies preset threshold level).

Regarding claim 14, the claim is interpreted and rejected as claim 13. Note,  $V_{ref}$  is modified if the noise level is either below/above a previous threshold. A new  $V_{ref}$  is adapted to the previously determined interference level, so that the presence of a signal can be determined in a noisy environment.

Regarding claim 15, Nakano discloses vehicle security system met by (Fig. 8), vehicle mounted access control component met by (Fig. 8; 200), authentication element met by (Fig. 8; 100), access control component periodically transmits interrogation signal met by (Col. 2, lines 51-56; note, presence and absence of RF signal & Fig. 4), receipt by authentication element within operational range met by (Col. 1, lines 32-35; note, passive systems operate with proximity), transmitting authentication signal met by (Fig. 9; SC), access control component

generates signal met by (Fig. 8; 200, 204) for securing or releasing a vehicle access component met by (Fig. 8; 220), only in response to receipt authentication signal that satisfies present criteria met by (Col. 6, lines 62-67 & Col. 7, lines 1-5; note, SC), authentication element includes a null period measuring device met by (Fig. 9; 116; Col. 5, lines 41-45; note, RF signal is absent; Fig. 3), and based on applied field strength measured by null period measuring device preset criteria are modified met by (Col. 5, line 55-57; note,  $V_{ref}$  modifies preset threshold level).

Regarding claim 16, the claim is interpreted and rejected as claim 15. Note,  $V_{ref}$  is modified if the noise level is either below/above a previous threshold. A new  $V_{ref}$  is adapted to the determined interference level, so that the presence of a signal can be determined in a noisy environment.

#### ***Allowable Subject Matter***

6. Claim 12 is allowed.
7. Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 12, the independent claim recites “*the adapted threshold value is transmitted over the access authorization communications channel to the access control component by means of an authentication element locating means in order to be taken into*

*account by the authentication element locating means during subsequent position-determining processes for the authentication element.”* This along with the rest of the claimed limitations is not shown by the prior art.

Regarding claims 8-11, dependent claim 8 recites “*when there is an interference level above the predetermined threshold value it rejects subsequent interrogation signals from the access control component.*” This along with dependent claims 9-11 is not shown by the prior art. Nakano does not disclose rejecting subsequent interrogation signals from the controller. Nakano discloses a system that can respond to an interrogation signal from the controller in extreme interference environments, not rejecting subsequent interrogations.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Wilson whose telephone number is (571)270-5884. The examiner can normally be reached on Monday-Thursday from 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Daniel Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BPW/

/Daniel Wu/

Supervisory Patent Examiner, Art Unit 2612